



UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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In re Application of :
Batarseh et al :
Serial No.: 09/761,561 : PETITION DECISION
Filed: January 17, 2001 :
Attorney Docket: 3731-002 :

This is in response to applicants' "Petition to Withdraw Holding of Abandonment Based on failure to Receive Office Action", filed on May 1, 2002, requesting that the above-identified application be revived based on a non-receipt of an Office Action.

A review of the file history indicates the examiner mailed the Office Action on January 3, 2002, setting a three month shortened statutory period for reply. On May 1, 2002, the present petition was filed. Applicants indicated that they became aware of a substantive Office action was mailed only through a result of a telephon conversation with the examiner. Applicants assert that the Office Action is question was never received. A search of the file and docket records shows non-receipt at Kilyk & Bowersox, PLLC at the above address, and a copy of the docket records for Appl. No. 09/761,561 (which corresponds to Attorney Docket 3731-002) is provided. The review shows that the application is technically abandoned but no Notice of Abandonment has been ailed. Accordingly, the petition is Dismissed. The Office action dated January 3, 2002 is being remailed herewith. A shortened Statutory Period for reply is set to expired Three Months from the mailing of this letter.

Petition is **Dismissed**.

Should there be any questions regarding this decision, please contact Cecilia Tsang by mail addressed to Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703) 308-0254 or by facsimile transmission at (703) 308-3890.

Cecilia Tsang for

John Doll
Director, Technology Center 1600